

BEFORE THE

Federal Communications Commission

WASHINGTON, D.C.

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)

Amendment of the Commission's)
 Rules to Implement Section 4(g)(3))
 of the Communications Act of 1934,)
 as Amended, 47 U.S.C. Section 154(g)(3),)
 the Commission's Statutory Gift)
 Acceptance Authority)

GC Docket No. 93-153

COMMENTS OF
AMSC SUBSIDIARY CORPORATION

AMSC Subsidiary Corporation ("AMSC"), by its attorneys, hereby submits its comments on the Notice of Proposed Rulemaking ("NPRM") in the above-referenced docket.^{1/} AMSC supports the adoption of rules that will permit Commission licensees to make contributions that the Commission may use to defray the cost of participating in international frequency coordination activities. The U.S. government must participate in coordination efforts if they are to be successful in securing the use of spectrum for U.S. entities. There is no conflict of interest in a licensee helping with the expenses for such participation, since the U.S. government efforts would be on behalf of U.S. interests.

^{1/} AMSC is the entity licensed by the Commission to construct, launch and operate the U.S. domestic Mobile Satellite Service ("MSS") system. See Memorandum Opinion, Order and Authorization, 4 FCC Rcd 6041 (1989); Final Decision on Remand, 7 FCC Rcd 266 (1992); aff'd sub nom. Aeronautical Radio, Inc. v. FCC, 983 F.2d 275 (D.C. Cir. 1993).

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The Mobile Satellite Service in which AMSC is involved is somewhat unique in its reliance on successful international frequency coordination. Unlike the Fixed Satellite Service or most terrestrial services, there is very limited spectrum available for MSS systems and most MSS systems have a relatively broad interference profile that requires virtually all systems located in the same hemisphere to conduct extensive negotiations on sharing the frequencies. In the case of AMSC's L-band system, there are at least eight other systems with which the U.S. must coordinate. Since the licensing of AMSC's system, there have been at least fifteen bilateral and multilateral meetings between the U.S. and other administrations. These meetings typically last three to five days and often are held outside the United States.


The success of the international coordination meetings is critical to the success of MSS in the United States. AMSC, which is investing over \$500 million in the construction and launch of its system, depends on the ability of the U.S. government to negotiate its access to the L-band. AMSC has contributed its own expertise to the process when so requested by the Commission, but to date, the Commission itself has put tremendous resources into the effort, committing its top satellite professionals to preparation for and attendance at coordination meetings. AMSC is grateful for that effort, but it also is concerned that limited Commission resources could make it increasingly difficult for the Commission to continue the same level of effort in the future.

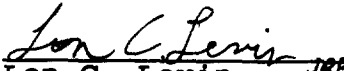
AMSC urges the Commission to find categorically that there is no conflict of interest in a licensee providing an unconditional gift to the Commission that may be used by the Commission to support international coordination efforts by Commission staff, including payment for staff salaries and expenses in attending meetings and the cost of meeting rooms. This authority to accept gifts for travel reimbursement at these government-sponsored meetings is consistent with interpretations of the gift statute by the General Services Administration. NPRM, p. 6, n.21.

In an era in which the Commission has increasing responsibilities and relatively fewer resources, the Commission should welcome the prospect of revenue enhancement from entities whose interests are aligned with those of the Commission. Therefore, AMSC respectfully urges the Commission to adopt rules consistent with AMSC's above-stated position.

Respectfully submitted,

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